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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,884	04/01/2005	Jung-Hee Ryu	GK-US055059	5686

7590 05/27/2009  
Shinju Global IP Counselors  
Suite 700  
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EXAMINER
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MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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05/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,884	<b>Applicant(s)</b> RYU ET AL.	
	<b>Examiner</b> JUSTIN P. MISLEH	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 5-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references listed in the specification (see paragraphs 18-20) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, “the list may not be incorporated into the specification but must be submitted in a separate paper.” Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities: lacking in clarity and precision. The disclosure appears to be a computer-based translation of the foreign priority document. As a result, the disclosure lacks the clarity and precision that would be found if written in proper idiomatic English. Appropriate correction is required.

3. The Examiner recommends Applicant submit a substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b). Should Applicant choose to do so, the substitute specification filed must be accompanied by a statement that it contains no new matter. See MPEP §608.01(q).

***Drawings***

4. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. **Claims 1 – 10** are objected to because of the following informalities: lack in clarity and precision. Similar to the disclosure, the claims also appear to be a computer-based translation of the foreign priority document. As a result, the claims lack the clarity and precision that would normally be found in claims written in proper idiomatic English. Appropriate correction is required.

***Election/Restrictions***

6. Applicant's election without traverse of Species I (figures 2 and 5), drawn to Claims 1, 2, 4, 5, 9 and 10, in the reply filed on March 16, 2009 is acknowledged.

7. By Applicant's election, **Claims 3 and 6 – 8 are withdrawn** from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

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8. Upon consideration of Claim 5, the Examiner believes Claim 5 belongs to Species II (figures 2 and 6). Claim 5 requires a specified Crop & Resize function and capturing high resolution still. The features are described in connection with figure 6 on pages 17 and 18.

9. Moreover, upon consideration of Claims 9 and 10, the Examiner believes Claims 9 and 10 relate to another species of the invention. None of the figures show any of the decoding features of Claims 9 and 10. In fact, the decoding features of the Claims 9 and 10 are only described in the specification in paragraphs 84 – 101, which is separate from the description of any of the other species.

10. Thus, by the Examiner's determination, **Claims 5, 9 and 10 are also withdrawn** from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1, 2 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Tamayama (US 6,618,089 B1).

13. For **Claim 1**, Tamayama disclose, as shown in figures 1 – 3, a method for capturing a still image in real time in a system having an image capture means (12), a display unit (30), a storage unit (capacitor element LC of LCD) and an image processing unit (18), wherein an external

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image captured by the image capture means (22) is previewed on the display unit (20; see column 5, lines 45—47) and a still image of a preview image is captured in real time in order to process the image (see column 7, lines 52—59), the method comprising the steps of:

pausing the preview outputted to the display unit through the image capture means (“suspends” drive pulses “during no video signal is applied”; see column 7, lines 34 – 45);

copying and storing the image paused through the *[pause]* step (image is copied from image memory 22 to the capacity element LC in the LCD; see column 7, lines 34 – 45); and

re-executing the preview before the process of processing the stored image begins (Using the capacitor element of the LCD, the LCD is preview is resumed; that same image data, which is also stored in the image memory is processed by “recording the image data stored in the image memory 22 into the memory card”; see column 7, lines 53 – 67).

14. As for **Claim 2**, Tamayama disclose wherein the image, which is copied and stored in the step of storing the still image, is stored in the storage unit (capacitor element LC of LCD) connected to the image processing unit (18) of the system and has the same resolution as that of the image outputted *[to]* the display unit (Since the image is stored in the capacitor element LC of LCD; the image has to have the same resolution of the display unit).

15. As for **Claim 4**, Tamayama discloses, as shown in figures 1 - 3, wherein the system further comprises a camera IC (18) and has a mode wherein the camera IC (18) directly controls the display unit (30), and wherein the image, which is copied and stored in the step of storing the still image, is stored in the storage unit (capacitor element LC of LCD) connected to the image processing unit (18) of the system and has the same resolution as that of the image outputted *[to]*

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the display unit (Since the image is stored in the capacitor element LC of LCD; the image has to have the same resolution of the display unit).

### ***Cited Prior Art***

16. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure for the following reasons:

- **US 6,683,642 B1** discloses a digital camera that utilizes at least two busses to perform simultaneous operations on captured image data.
- **US 7,379,090 B2** discloses a digital camera that that is capable of variable image data transfer rates.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/**

**Primary Examiner**

**Group Art Unit 2622**

**May 27, 2009**